



FH  
[REDACTED]

**STATE OF WISCONSIN  
Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

**DECISION**  
Case #: PBT - 203303

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**PRELIMINARY RECITALS**

Pursuant to a petition filed on September 30, 2021, under Wis. Admin. Code, sec. HA 3.03, to review a decision by the DHS Bureau of Enrollment Policy And Systems regarding PBT, a hearing was held on November 23, 2021, by telephone.

The issue for determination is whether the agency correctly denied the Petitioner's request for replacement PEBT benefits.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, WI 53703

By: [REDACTED]  
DHS Bureau of Enrollment Policy And Systems  
1 West Wilson St  
Madison, WI 53703

**ADMINISTRATIVE LAW JUDGE:**

Debra Bursinger  
Division of Hearings and Appeals

## FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Waukesha County.
2. In May, June, July and August 2021, the Petitioner received PEBT benefits for four children.
3. On August 7, 8 and 9, 2021, the Petitioner experienced a power outage and food loss because of the power outage.
4. The Petitioner requested replacement PEBT benefits from the agency. That request was denied.
5. On September 30, 2021, the Petitioner filed an appeal with the Division of Hearings and Appeals.

## DISCUSSION

PEBT benefits are not regular FoodShare benefits. There is no provision in the PEBT regulations or policies for issuing replacement PEBT benefits for any PEBT benefits already redeemed. See, PEBT Q & A – November 16, 2021, SNAP Program. In addition, under the regular FS program, only FoodShare “Program” benefits are replaceable. See, 7 C.F.R. § 274.6(6)(a). This does not include PEBT benefits.

The Petitioner “redeemed” her PEBT benefits when she purchased food. Per federal policy, those benefits cannot be replaced or re-issued. Accordingly, I must find that the agency correctly denied her request for replacement PEBT benefits for the loss of food that occurred because of the August 2021 power outage.

## CONCLUSIONS OF LAW

The agency correctly denied the Petitioner’s request for replacement PEBT benefits.

**THEREFORE, it is**

**ORDERED**

That the Petitioner’s appeal is dismissed.

## **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 4822 Madison Yards Way 5<sup>th</sup> Floor, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important, or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

## **APPEAL TO COURT**

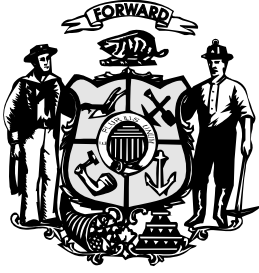
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as “PARTIES

IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 13th day of January, 2022

\s\_\_\_\_\_  
Debra Bursinger  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on January 13, 2022.

Dhs Bureau of Enrollment Policy And Systems